

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

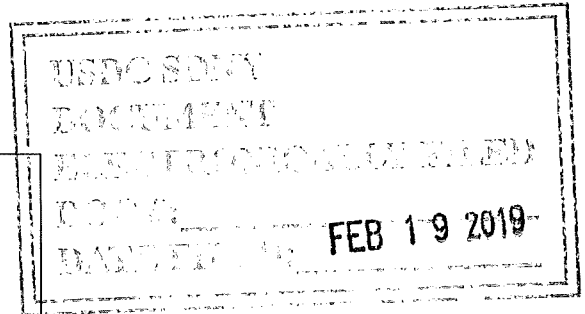
Molly Green,

Plaintiff,

—v—

Humana At Home, Inc.,

Defendant.



16 Civ. 7586 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 21, 2019, Claude Mathieu filed a motion for leave to file an amicus curiae brief in opposition to Plaintiff Molly Green’s motions for class certification and partial summary judgment in the above-captioned action. Ms. Mathieu represents that she is a plaintiff in an action filed against Defendant in the District of Connecticut and that a motion to certify an NYLL unpaid overtime class over a period beginning January 1, 2015 is currently pending in that action. Dkt. No. 59 ¶ 2. Ms. Mathieu seeks leave to appear as amicus in this action to raise the arguments that (1) Plaintiff’s motion to certify a similar class violates the first-filed rule and (2) Plaintiff’s motion for partial summary judgment violates the rule against one-way intervention. *Id.* ¶¶ 4–7. The Court hereby GRANTS Ms. Mathieu’s motion.

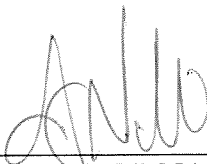
“District courts have broad discretion to permit or deny the appearance of amici curiae in a given case.” *United States v. Ahmed*, 788 F. Supp. 196, 198 n.1 (S.D.N.Y. 1992). Courts in this district permit such appearances if they conclude that “the additional brief would aid th[e] Court in evaluating the [pending] motion,” even if the brief is presented by an interested party. *United States v. Yonkers Contracting Co., Inc.*, 697 F. Supp. 779, 781 (S.D.N.Y. 1988); *see also Neonatology Assocs., P.A. v. C.I.R.*, 293 F.3d 128, 131 (3d Cir. 2002) (Alito, J., chambers op.)

(noting that the notion of amici as disinterested parties “became outdated long ago”). Because Ms. Mathieu has identified issues that may bear on the Court’s decisions on both of Plaintiff’s pending motions, the Court finds that her submission may aid the Court in resolving them.

Accordingly, the Court grants Ms. Mathieu leave to file her amicus submission and will consider Dkt. No. 59-1 in its evaluation of the pending motions. By March 4, 2019, each party shall file a brief not to exceed 15 pages responding to the issues identified in Ms. Mathieu’s brief. Each party’s response shall include its views as to (1) whether Plaintiff’s motion for class certification violates the first-filed rule and (2) either or both parties’ summary judgment motions may be decided at the same time as Plaintiff’s class certification motion in compliance with the rule against one-way intervention. *See* Dkt. No. 54 at 15 n.2; Dkt. No. 59 ¶ 5.

SO ORDERED.

Dated: February 19, 2019
New York, New York



ALISON J. NATHAN
United States District Judge